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ALFALFA HAY PRICE CEILINGS

Following is the text of an order issued by the Office of Price Administration on February 12th covering alfalfa hay price ceilings for California, Oregon and Washington, to become effective on and after February 18, 1943:

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of alfalfa hay in California, Oregon and Washington.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register. In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. So far as practicable the Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration after consultation with and with the concurrence of the Secretary of Agriculture, this Maximum Price Regulation No. 322 is hereby issued.

Prohibition against sales of alfalfa hay in California, Oregon and Washington above maximum prices. On and after the effective date of this regulation regardless of any contract or other obligation, no person subject to this regulation shall sell or deliver alfalfa hay and no person subject to this regulation in the course of trade or business shall buy or receive such alfalfa hay at a price higher than the maximum prices permitted by this regulation and no person subject to this regulation shall agree, offer, solicit or attempt to do any of the foregoing; Provided, That the provisions of this regulation shall not apply to sales or deliveries of alfalfa hay otherwise covered by this regulation if prior to the effective date of this regulation such alfalfa hay has been sold to a buyer and has been received by a carrier other than a carrier owned or controlled by the seller for shipment to such buyer. But any resales of such last mentioned alfalfa hay which is so in transit at the effective date of this regulation shall be subject to this regulation.

Sales at lower than maximum prices. Lower prices than the maximum prices set forth in this regulation may be charged, demanded, paid or offered.

Territory and transactions subject to this regulation. The provisions of this regulation shall apply only to the states of California, Oregon and Washington. It shall govern the sale and delivery of all alfalfa hay produced in such states as well as the sale and delivery of all alfalfa hay produced elsewhere which is sold to a dealer, retailer, feeder or ultimate user located in any of said states.

Maximum prices for sales by a producer. (a) "Producer" means a person who grows or raises alfalfa hay.

(b) The maximum price for the sale or delivery of alfalfa hay by a producer shall be \$20.00 per ton loose on the farm except that in a sale or delivery where a certificate signed by a federal or state hay inspector is furnished the maximum prices for the grade described in the certificate loose on the farm shall be as follows:

	Grade No. 1	Grade No. 2	Grade No. 3
Alfalfa hay.....	\$22.50	\$20.00	\$17.00
Alfalfa leafy hay.....	---	21.00	19.00
Alfalfa extra leafy hay...	25.50	22.00	20.00

(c) The maximum delivered price for the sale or delivery of alfalfa hay by a producer shall be the applicable maximum price loose on the farm as above set forth plus actual transportation charges from seller's farm to buyer's receiving point.

Maximum prices for sales by a dealer. (a) "Dealer" means a person who buys alfalfa hay from any person and resells it other than at retail.

(b) The maximum price for the sale or delivery of alfalfa hay by a dealer shall be \$1.50 per ton over his cost which must not exceed a producer's maximum price thereon plus all actual transportation charges incurred by such dealer as the seller.

Maximum prices for sales by a retailer. (a) "Retailer" means a person who buys alfalfa hay from any person and resells the same in quantities of less than 2 tons to a feeder or ultimate user after unloading and storing the same in his established place of business which must consist of a permanent structure or building such as a feed store or structural warehouse.

(b) The maximum price for the sale or delivery of alfalfa hay by a retailer shall be \$5.00 per ton over his cost which must not exceed a dealer's maximum price thereon plus all actual transportation charges incurred by the retailer as the seller.

Maximum price for sales in bales. Where alfalfa hay is sold in bales the cost of baling not exceeding \$4.00 per ton if and as incurred by the seller may be added to the appropriate maximum price above set forth.

Maximum prices for sales of alfalfa hay imported from a foreign country.

(a) The maximum price for the first sale and delivery of alfalfa hay imported from a foreign country within the states of California, Oregon and Washington after the importation shall be the total of:

- (1) The seller's cost not exceeding the maximum price of a producer plus \$1.00 (Over)

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per ton, plus

(2) The maximum mark up for the class of persons to which the seller belongs, plus

(3) Actual transportation charges from the port of entry of the alfalfa hay in question to the buyer's receiving point.

(b) The maximum price for all subsequent sales and deliveries of such alfalfa hay shall be the maximum mark up of the class of persons to which the seller belongs over his cost not exceeding the maximum price which he could have lawfully have paid a dealer as a first seller thereof plus actual transportation charges incurred by such seller if any.

Addition of freight tax. In adding transportation charges under the foregoing sections the seller may add and include as a part thereof the 3 percent transportation tax when paid provided for under section 620 of the Revenue Act of 1942.

Limitation on mark ups in sales between dealers or between retailers respectively No more than a total of one dealer's mark up of \$1.50 per ton shall be added or included in determining the maximum price of any dealer irrespective of the number of dealers who may have handled the alfalfa hay in question.

No more than the total of one retailer's mark up of \$5.00 per ton shall be added or included in determining the maximum price of any retailer irrespective of the number of retailers who may have handled the alfalfa hay in question.

Maximum price for export sales. The maximum price at which any person subject to this regulation may export any alfalfa hay covered by this regulation shall be determined in accordance with Revised Maximum Export Regulation issued by the Office of Price Administration.

Maximum prices shall not be increased for any special charges. The maximum prices hereinbefore specified shall not be increased by any other charges whatsoever including but not limited to duties, brokerages, or commissions, storage, insurance, carrying or handling charges or charges for the extension of credit.

Definitions. As used in this regulation alfalfa hay and grades of alfalfa hay refer to alfalfa hay and grades of alfalfa hay as established in the Handbook of Official Hay Standards issued by the Department of Agriculture.

Records and reports. (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including if any all bills, invoices and other documents relating to every sale or delivery of alfalfa hay after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.

Evasion. The maximum prices set forth in this regulation shall not be evaded in any manner whatsoever in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to alfalfa hay alone or in conjunction with any other charge, discount, premium or privilege or by tying agreement or other trade understanding or by changing a previous business practice.

Enforcement. Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension provisions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

Persons who have evidence of any violation of this regulation or of any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such violation are urged to communicate with the nearest district, field, state or regional office of the Office of Price Administration or with its principal office in Washington, D.C.

Effective date. This Maximum Price Regulation No. 322 shall become effective on and after February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 12th day of February 1943.

PRENTISS M. BROWN,
Administrator.

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